

1 its attorney, Keith D McGoffin. Olympia Court Reporter, Juana
2 Tingdale, recorded the proceedings

3 Witnesses were sworn and testified. Exhibits were
4 admitted From testimony heard and exhibits examined, the
5 Pollution Control Hearings Board makes these

6 FINDINGS OF FACT

7 I

8 Pursuant to RCW 43 21B 260 Respondent has filed its
9 Regulation 1 with the Pollution Control Hearings Board and official
10 notice thereof is hereby taken Section 9.03(b) of said Regulation
11 1 is as follows

12 "After July 1, 1975 it shall be unlawful for
13 any person to cause or allow the emission of
14 any air contaminant for a period or periods
15 aggregating more than three (3) minutes in
16 any one hour, which is

17 (1) Darker in shade than that designated as
18 No 1 (20% density) on the Ringelmann Chart as
19 published by the United States Bureau of Mines,
20 or

21 (2) Of such opacity as to obscure an observer's
22 view to a degree equal to or greater than does
23 smoke described in Subsection 9 03(b)(1)..."

24 II.

25 Maralco Aluminum is the owner of the rotary furnaces
26 herein questioned and such furnaces were operated by Maralco
27 employees at all times relevant to this appeal

28 III

29 On October 24, 1975 and November 6, 1975 Appellant
30 Maralco (aka Materials Reclamation Co , Inc.) caused or allowed

31 FINAL FINDINGS OF FACT,
32 CONCLUSIONS OF LAW
33 AND ORDER - 2

1 the emission of an air contaminant from its rotary furnaces located
2 at 6760 West Marginal Way S.W , Seattle, Washington. These emissions
3 were of six and one-half and six minutes respectively and varied in
4 opacity from Nos. 2 to 5 on the Ringelmann Chart.

5 IV.

6 Although the facts in this paragraph do not bear upon
7 whether the alleged violation has occurred we find that Maralco
8 has been assessed three separate \$100.00 penalties for three prior
9 violations of Section 9.03 of Regulation 1. We take official
10 notice that none of these violations were appealed.

11 We further find that the emissions involved in this
12 appeal were not constant but resulted from explosions. These
13 in turn were caused by filling the rotary furnaces with salvaged
14 aluminum ("dross") in allowing it to become molten, then adding
15 more dross to the molten bath The explosion will only occur
16 if "after-added" dross is wet which it frequently is since it is
17 stored and transported outdoors without covering

18 Subsequent to a prior \$100.00 penalty Maralco's manage-
19 ment took considerable effort to develop "house rules" to avoid
20 these explosions. Such explosions do costly damage to the furnaces
21 as well as raising air pollution problems A house rule was developed
22 requiring all dross to be added at one time Once the dross becomes
23 molten, no further dross, wet or dry, was to be "after-added". If
24 this rule was observed no explosion and therefore no air pollution
25 would result On the days in question however Maralco employees

-6 FINAL FINDINGS OF FACT,
CONCLUSIONS OF LAW
27 AND ORDER - 3

1 disobeyed the house rule and "after-added" wet dross causing the
2 explosions and emissions with which we are concerned

3 V.

4 Any Conclusion of Law hereinafter recited which should be
5 deemed a Finding of Fact is hereby adopted as such.

6 CONCLUSIONS OF LAW

7 I.

8 Emissions from Maralco rotary furnaces on October 24,
9 1975 and November 6, 1975 have violated Section 9.03 of Regulation
10 1.

11 II

12 Any Finding of Fact which should be deemed a Conclusion
13 of Law is hereby adopted as such


14 ORDER

15 The violations and civil penalties imposed by Notice and
16 Order of Civil Penalty Nos 2585 and 2595 are all hereby affirmed,
17 except, that \$125 00 of each \$250 00 civil penalty is suspended for
18 six months provided that no further violations occur within that
19 time from this source

20 DATED this 19th day of July, 1976.

21 POLLUTION CONTROL HEARINGS BOARD

22 
23 Chris Smith, Chairman

24 
25 Art Brown, Member

26 FINAL FINDINGS OF FACT,
27 CONCLUSIONS OF LAW
AND ORDER - 4